

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

-----  
)  
In Re: Baycol Products Litigation ) File No. MDL 1431  
)  
) 4:00 p.m. o'clock  
) June 19, 2002  
) Minneapolis, MN  
)  
)  
-----

BEFORE THE HONORABLE MICHAEL J. DAVIS  
UNITED STATES DISTRICT COURT JUDGE  
(STATUS CONFERENCE)

APPEARANCES:

ON BEHALF OF THE PLAINTIFF: CHARLES ZIMMERMAN, ESQ.  
ROBERT SHELQUIST, ESQ.

ON BEHALF OF THE DEFENDANT: PETER SIPKINS, ESQ.  
PHILIP BECK, ESQ.  
SUSAN WEBER, ESQ.  
ADAM HOEFLICH, ESQ.  
DOUGLAS MARVIN, ESQ.  
TRACY VAN STEENBURGH, ESQ.

COURT REPORTER:

BRENDA E. ANDERSON, RPR  
300 South 4th Street  
Suite 1005  
Minneapolis, MN 55415  
(612) 664-5104  
E-mail - BAnder2400@aol.com

1 THE CLERK: Multi-District Litigation No. 1431,  
2 In re: Baycol Products. Please state your appearances for  
3 the record.

4 MR. ZIMMERMAN: Charles Zimmerman, Your Honor,  
5 for the Plaintiffs Steering Committee.

6 MR. SHELQUIST: Rob Shelquist for the Plaintiffs,  
7 Your Honor.

8 MR. BECK: Philip Beck for the Defendants, Your  
9 Honor.

10 MR. SIPKINS: Peter Sipkins for the Defendants,  
11 Your Honor.

12 MS. WEBER: Susan Weber for the Defendants, Your  
13 Honor.

14 MR. HOEFLICH: Adam Hoeflich for the Defendants,  
15 Your Honor.

16 MR. MARVIN: Douglas Marvin for the Defendants.

17 MS. VAN STEENBURGH: Tracy Van Steenburgh for the  
18 Defendants.

19 THE COURT: Good afternoon. Mr. Zimmerman.

20 MR. ZIMMERMAN: Thank you, Your Honor. Pursuant  
21 to the Court's order of last week, we have met and  
22 conferred, and we have come up with an agreed schedule of  
23 dates, witnesses and locations for the June and July  
24 deposition program. That modifies slightly and modifies in  
25 several ways the previous order. We are prepared to submit

1 that to Your Honor.

2 With regard to August and September, we are  
3 asking that that part of the order simply be stayed, not  
4 vacated at this time, and, again, directing the parties to  
5 meet and confer with respect to the August and September  
6 schedule. We believe we will be able to reach a similar  
7 kind of agreement that we reached today with regard to June  
8 and July, and then we will submit it to the Court on or  
9 before July 10th for your review and approval. We  
10 appreciate everyone's efforts in reaching this agreed order  
11 today.

12 THE COURT: Mr. Beck.

13 MR. BECK: I concur in Mr. Zimmerman's remarks.  
14 We were able to reach an agreement, and I think we've  
15 accommodated everyone's concerns while still making sure  
16 that we don't alienate any state court Judges, and the  
17 state court Plaintiffs' lawyers are also accommodated. So,  
18 I think we've come up with a workable schedule, and we  
19 appreciate the cooperation that we got in doing this.

20 THE COURT: Anything else that's on the schedule.

21 MR. ZIMMERMAN: Just -- I think we have a  
22 proposed order that I believe that has been handed up or  
23 will be.

24 THE COURT: No, I haven't seen it.

25 MR. ZIMMERMAN: If you have any questions about

1 it, we certainly can answer them, and we're happy to.

2           The only other issue, Your Honor, is the Court  
3 did hand us this morning -- this afternoon Pretrial Order  
4 No. 26, which is the setting of the status conference in  
5 New York -- excuse me, in Los Angeles, California for July  
6 11th. I trust that we can -- this will be posted on the  
7 website and we can distribute this to all concerned  
8 parties. But the only question I have with regard to that  
9 is whether or not there is going to be any attempt to  
10 coordinate this proceeding at all with the proceeding in  
11 California, or is that just something that may or may not  
12 occur based upon events that might take place with the  
13 Court's communication. What I'm really asking in so many  
14 words is whether or not state counsel or the state courts  
15 are going to be involved in all of these proceedings on the  
16 11th.

17           THE COURT: The Court is having a status  
18 conference in Los Angeles based on conversations that I had  
19 in New Orleans with Plaintiffs' counsel from California. I  
20 am flying out on the 9th and I plan to meet -- I'll try to  
21 meet with the state court Judge or Judges that have Baycol  
22 matters to introduce myself to them at that time on the  
23 10th. Also, I will meet with the Plaintiffs' lawyers,  
24 state court lawyers, and I'm assuming that you will -- we  
25 can talk about this in chambers, but I'm assuming that you

1 will arrange those. And if there is any defense counsel  
2 that I need to meet, I will meet them out on the 10th, too,  
3 so I will have a full day on the 10th.

4 At 9:30 we will have our status conference and  
5 then we will have motions that are ready to be heard and be  
6 heard, and we will adjourn by 12 noon and I will be on a  
7 plane back here in the afternoon.

8 MR. ZIMMERMAN: Your Honor, the --

9 THE COURT: So you will be alerted that we will  
10 not have a status conference in August. I'm having my  
11 clerk of court set up one in Philadelphia in September, the  
12 September date. And, of course, well have conversations of  
13 one in Texas at some point, whether or not to meet with the  
14 Judges down there or to have a status conference. That has  
15 not been firmed up yet.

16 MR. ZIMMERMAN: Very good. I don't have anything  
17 further on the record, Your Honor.

18 THE COURT: Mr. Beck.

19 MR. BECK: We have nothing further either, Your  
20 Honor.

21 THE COURT: All right. What I would like to do  
22 is to confer in chambers, and then I believe we can get you  
23 on a plane and out of here. Step back in chambers.

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

REPORTER'S CERTIFICATE

I, Brenda E. Anderson, Official Court Reporter,  
in the United States District Court for the District of  
Minnesota, do hereby certify that the foregoing transcript  
is a true and correct transcript of the proceedings in the  
above-entitled matter.

CERTIFIED: \_\_\_\_\_

\_\_\_\_\_  
Brenda E. Anderson, RPR